Court No. 3

Criminal Misc. Application No. 43 of 2003

Suresh Gupta
S/o Shri Ram Singh Gupta,
R/o 949, Brahmpuri, Meerut…… Applicant/petitioner

Versus

State of uttaranchal and one another…….. Opp.Parties.

Hon'ble Irshad Hussain, J.

Heard Sri Vivek Shukla, learned counsel for the applicant and learned A.G.A

This is a petition under section 482 Cr.P.C. for quashing of the charge-sheet and further proceedings in case crime no. 64 of 2002 U/Ss 498A, 323 and 506, I.P.C. P.S. Ranipur, District Haridwar.

The charge sheet has been assailed on the ground that the petitioner has been falsely implicated merely on the belief that he is the friend of the family of the husband of he complainant. After investigation. Charge-sheet has been submitted. Mere perusal of the copy of the F.I.R. (Annexure-1) shows that the allegations pertaining to the assault and criminal intimidation against the petitioner are inherently probable and after investigation the allegations appear to have been supported by credible evidence. Learned counsel for the petitioner submitted that since the petitioner is not the relative of husband, he could not have been charge-sheeted under section 498 I.P.C. In view of the provisions of the said section, the liability of punishment is addled on the husband or relative of the husband in case the wife is subjected to cruelty.

Considering the nature of the allegation of the F.I.R., the charge sheet can not be partly quashed and at the most the petitioner may take this plea before the concerned Magistrate when his bail application is taken up for disposal and also at the time of framing of charge. The same is hereby dismissed with the said observation.

Dt. 26.3.2003 **(Irshad Hussain, J.)**

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